

1 DANIEL G. BOGDEN
2 United States Attorney
3 STEVEN W. MYHRE
4 First Assistant United States Attorney
5 JAMES E. KELLER
Assistant United States Attorney
100 West Liberty Street, Suite 600
Reno, Nevada 89501
(775) 784-5438

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

Case No. 3:16-CR-00006-MMD-VPC

9 Plaintiff,

GOVERNMENT'S AMENDED,
UNOPPOSED MOTION FOR A
PROTECTIVE ORDER

10 v.

11 DELMAR L. HARDY,

12 Defendant.

13

14 COMES NOW the United States Attorney for the District of Nevada, DANIEL G. BOGDEN,
15 Steven W. Myhre, First Assistant United States Attorney, and James E. Keller, Assistant United States
16 Attorney, and respectfully submits its amended, unopposed motion for the issuance of a Protective
17 Order to limit disclosure to the public, or any third party not directly related to this case, any
18 information/documents/materials already provided as discovery to the defendant in this case and any
19 discovery subsequently provided to the defendant in this case (collectively, "the protected
20 information").

21 The government has conferred with Steven Wilson, Esq., counsel for Defendant Hardy, who
22 advises that the Defendant has no objection to this motion, after incorporating his revisions to the
23 motion and proposed order.

1 A substantial number of documents in the voluminous discovery in this case contain financial
2 account numbers and/or personal identification information. To protect that sensitive information from
3 disclosure, to avoid delay in the time it will take to redact such information, to provide discovery with a
4 lesser amount of redactions, and in the effort to provide discovery in a timely manner, the government
5 submits this unopposed motion for a protective order.

6 The government respectfully requests that the Court order that, without leave of Court, the
7 parties to this matter, defined herein for the matters of this protective order as the government and/or its
8 agents, counsel for the Defendant, as well as agents of or employees of counsel for the Defendant, shall
9 not:

- 10 a. make copies for, or allow copies of any kind to be made by any other person of the
11 protected information;
- 12 b. allow any other person to read the protected information; and
- 13 c. use the protected information for any other purpose other than preparing to defend against
14 the charges in the Indictment or any further Superseding Indictment arising out of this case.

15 The government is not seeking to restrict the parties' use or introduction of the protected
16 information as evidence at a future hearing or at trial. In addition, this motion for protective order does
17 not in any way restrict the Defendant's use of his personal or business records, including his personal
18 and business account numbers, and personal and business identification information, some of which is
19 included in the discovery provided to the Defendant in this case.

20 Based upon the foregoing, the government respectfully requests that the parties be ordered to
21 inform any person to whom disclosure may be made pursuant to this order of the existence and terms of
22 this Court's order.

23 Finally, upon conclusion of this action, the government respectfully requests that the
24 defendant's attorney(s) return to the government, or destroy and certify to government counsel the

1 destruction of the protected information, within a reasonable time, not to exceed sixty (60) days after
2 the last appeal is final.

3 Dated this 2nd day of March, 2016.

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 /s/ James E. Keller
8 JAMES E. KELLER
9 Assistant United States Attorney

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 3:16-CR-00006-MMD-VPC

Plaintiff,

ORDER

V.

DELMAR L. HARDY,

Defendant.

Based on the government's unopposed, amended motion for a Protective Order, and good cause appearing therefore, the Court hereby GRANTS a Protective Order to limit disclosure to the public, or any third party not directly related to this case, any information/documents/materials already provided as discovery to the defendant in this case and any discovery subsequently provided to the defendant in this case (collectively, "the protected information").

IT IS FURTHER ORDERED that, without leave of Court, the parties to this matter, defined herein for the matters of this protective order as the government and/or its agents, counsel for the Defendant, as well as agents of or employees of counsel for the Defendant, shall not:

- a. make copies for, or allow copies of any kind to be made by any other person of the protected information;
- b. allow any other person to read the protected information; and
- c. use the protected information for any other purpose other than preparing to defend against the charges in the Indictment or any further Superseding Indictment arising out of this case.

1 IT IS FURTHER ORDERED that the parties inform the Court any person to whom disclosure
2 may be made pursuant to this order of the existence and terms of this Court's order.

3 IT IS FURTHER ORDERED that this Order does not in any way restrict the Defendant's use of
4 his personal or business records, including his personal and business account numbers, and personal
5 and business identification information, some of which is included in the discovery provided to the
6 Defendant in this case.

7 IT IS FURTHER ORDERED that upon conclusion of this action, the Defendant's attorney(s)
8 return to the government, or destroy and certify to government counsel the destruction of the protected
9 information, within a reasonable time, not to exceed sixty days after the last appeal is final.

10 Based on the foregoing, IT IS THEREFORE ORDERED the Government's Motion for a
11 Protective Order is hereby GRANTED, consistent with this Order.

12 IT IS SO ORDERED.

13 Dated this ____ day of March, 2016.

14
15 HON. MIRANDA M. DU
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24

1 CERTIFICATE OF SERVICE

2 I, James E. Keller, certify that the following individual was served with a copy of the
3 GOVERNMENT'S MOTION FOR A PROTECTIVE ORDER AND PROPOSED ORDER on this date
4 by the below identified method of service:

5 Electronic Case Filing

6 Steven Wilson, Esq.
7 Steven@StevenWilsonLaw.net
8 Counsel for DELMAR L. HARDY

9

10 Dated this 2nd day of March, 2016.

11 /s/ James E. Keller
12 JAMES E. KELLER
13 Assistant United States Attorney